

## REMARKS

Claims 1-36 are pending in the application. By this Amendment, Applicant has canceled claims 2, 8-18, 23, 26, 32, 35, and 36 without prejudice; and amended claims 1, 3, 4, 7, 19, 24, 25, 27, 28, 33, and 34. Claims 37-39 have been added. Claims 5, 6, 20-22, and 29-31 remain in the application without amendment.

The specification stands objected to under 35 USC 132 because it allegedly introduces new matter into the disclosure by the amendment in Applicant's amendment of May 13, 2002. In this amendment, the third full paragraph at page 9, line 18, had added at the end of the paragraph, "Furthermore, the busy tones, as described below, can be used to determine the quality of the reverse link." Applicant submits that support for this amendment of the specification can be found at page 12, lines 23-33, third full paragraph. Accordingly, the objection to the specification should be withdrawn in the next Office action.

Claims 1, 3, 4, 7, 19, 24, 25, 27, 28, 33, and 34 have been amended for reasons other than related to patentability. For example, "subscriber station" and "base station" have been added to clarify the actors of the recited functions and steps; and "reverse link power control commands" have been added to further clarify the scope of the claims.

Claims 2, 8-18, 23, 26, 32, 35, and 36 have been canceled. Thus, any of the objections and rejections applicable to these claims are moot.

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Padovani (USPN 5,722,044). Applicant respectfully traverses this rejection.

Independent claim 1 as amended now recites, among other things, "selectively performing said handoff in accordance with said reverse link power control commands." In rejecting claim 2, the Office Action at page 3 asserts, "Padovani discloses that the indication of the link quality comprises power control commands for controlling the transmission energy of said first station (column 5, lines 30-column 7, lines 67.)" Applicant has carefully read the cited section and respectfully disagrees. Applicant

submits that the cited reference does not teach the combination defined by the claim, particularly the quoted limitation. If this rejection is maintained in the next Office action, Applicant respectfully requests a pinpoint cite to the column and line number of the reference for the teaching.

Thus, claim 1 as rewritten is patentably distinguishable over the cited reference. Accordingly the rejection of claim 1 under 35 USC 102(b) should be withdrawn in the next Office action.

Claims 3-7, 19-22, 24, 25, 27-31, 33, and 34 stand rejected under 35 USC 103(a) as being unpatentable over Padovani in view of Saliman (USPN 6,055,428). Applicant respectfully traverses this rejection.

Independent claims 1, 19, and 28 as amended now recites, among other things, "selectively performing said handoff in accordance with said reverse link power control commands," "permit a handoff to a selected base station of the one or more base stations according to the reverse link power control commands," and "permit a handoff to a selected base station of the plurality of base stations according to the reverse link power control commands." As stated above in traversing the rejection of claim 1, Padovani does not provide a teaching for these limitations.

Accordingly, the rejection of the independent claims 19 and 28 under 35 USC 103(a) should be withdrawn in the next Office action. Furthermore, the rejection should be withdrawn for claims 3-7, 19-22, 24, 25, 29-31, 33, and 34 at least by virtue of their dependency on allowable claims 1, 19, and 28 as amended.

Regarding claim 27, independent claim 27 as amended now recites, among other things, "messages, provided by one or more base stations, indicating the average quality of a reverse link signal received by the one or more base stations," and "permit a handoff to a selected base station of the one or more base stations according to the messages." Applicant submits that the cited references do not teach or suggest the combination defined in the claim as amended, particularly the quoted limitations.

Accordingly, the rejection of claim 27 under 35 USC 103(a) should be withdrawn in the next Office action.

Applicant has added new claims 37-39, which Applicant submits define an invention that is not anticipated by, and is nonobvious over, the cited references of record, taken singularly or in combination. Applicant submits that no new matter is added by the addition of the new claims.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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## APPENDIX A

1. (Twice Amended) In a wireless communication system, a method for performing handoff comprising:

[at a first station,] determining, by a subscriber station, when a handoff is necessary;

receiving, by the subscriber station, [an indication of a link quality of signals transmitted by said first station] reverse link power control commands; and

selectively performing said handoff in accordance with said [indication of the link quality] reverse link power control commands.

3. (Twice Amended) The method Claim 1 wherein [said first station is a subscriber station and] selectively performing said handoff comprises:

selecting, by the subscriber station, a base station to transmit to said subscriber station;

determining, by the subscriber station, in accordance with said [indication of the link quality] reverse link power control commands whether signals transmitted by said subscriber station are being received by said selected base station with sufficient energy; and

performing said handoff to said selected base station when signals transmitted by said subscriber station are being received by said selected base station with sufficient energy.

4. (Twice Amended) The method of Claim 3 wherein performing said handoff comprises transmitting, by the subscriber station, a message indicating the identity of said selected base station.

7. (Twice Amended) The method Claim 1 wherein [said first station is a subscriber station and] selectively performing said handoff comprises:

determining, by the subscriber station, that a base station used to communicate with said subscriber station continues to have the strongest signal received by said subscriber station;

determining, by the subscriber station, in accordance with said [indication of the link quality] reverse link power control commands whether signals transmitted by said subscriber station are being received by said determined base station with sufficient energy; and

performing said handoff to an alternative base station when signals transmitted by said subscriber station are not being received by said determined base station with sufficient energy.

19. (Once Amended) An apparatus comprising:

a memory configured to store [an indication of the quality of a received reverse link signal] reverse link power control commands provided by one or more base stations; and

a processor, coupled with the memory, configured to permit a handoff to a selected base station of the one or more base stations according to the [indication of the quality of the received reverse link signal] reverse link power control commands.

24. (Once Amended) The apparatus of claim [23] 19, wherein the reverse link power control commands requesting the subscriber station to decrease its transmission energy are indicative that the reverse link signal is being received.

25. (Once Amended) The apparatus of claim [23] 19, wherein the reverse link power control commands requesting the subscriber station to increase its transmission energy are indicative that the reverse link signal is not being received.

27. (Once Amended) [The apparatus of claim 19,] An apparatus comprising:  
a memory configured to store [wherein the indication of the quality of the received reverse link signal comprises a message, from each of the one or more base

stations] messages, provided by one or more base stations, indicating the average quality of [the received] a reverse link signal received by the one or more base stations; and

a processor, coupled with the memory, configured to permit a handoff to a selected base station of the one or more base stations according to the messages.

28. (Once Amended) A communication system comprising:

a subscriber station for transmitting a signal;

a plurality of base stations, each base station configured to receive the signal and transmit [an indication of the quality of the received reverse link signal] reverse link power control commands; and

wherein the subscriber station is configured to permit a handoff to a selected base station of the plurality of base stations according to the [indication of the quality of the received signal] reverse link power control commands.

33. (Once Amended) The communication system of claim [32] 28, wherein the reverse link power control commands requesting the subscriber station to decrease its transmission energy are indicative that the signal is being received.

34. (Once Amended) The communication system of claim [32] 28, wherein the reverse link power control commands requesting the subscriber station to increase its transmission energy are indicative that the signal is not being received.